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AC/SP

PATENT
Attorney Docket 044508-5003-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Michael J. Daly et al.**

Application No. **10/089,175**

Filed: **August 07, 2002**

Group Art Unit: **1652**

Confirmation No. **9734**

Examiner: **Pak, Yong D.**

For: **Engineered Radiation Resistant Bioremediating Bacteria**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Transmitted herewith is a Notice of Appeal.
2. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a three-month extension of time from May 24, 2006 to August 24, 2006, the fee for which is **\$510.00** as set out in 37 C.F.R. 1.17(a). In the event however that such extension is necessary, the Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
3. Fee Calculation (37 C.F.R. 1.16):

08/28/2006 MAHMED1 00000000 500310 10089175

02 FC:2253 510.00 DA

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	20	minus	41	0	\$50.00 each=	0.00
Independent Claims	3	minus	3	0	Adjustment Date - 05/28/2006 MPRF	0.00
First presentation of Multiple dependent claim						
Sub-total =						
Reduction by ½ for filing by a small entity						
Total Fee =						

4. Fee Payment: The Commissioner is hereby authorized to charge **\$760.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee (\$250.00) and the three-month extension of time

fee (\$510.00) at the small entity rate.

5. **Constructive Petition:** Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 24, 2006**
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP

Robert Smyth for
Reg. No. 45,397

Robert Smyth
Registration No. 50,801



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In re Application of: Michael J. Daly *et al.*

Application No. 10/089,175

Filed: August 07, 2002

Confirmation No. 9734

Group Art Unit: 1652

08/29/2006 MBERHE 00000099 500310 10089175

01 FC:2401 250.00 DA

Examiner: Pak, Yong D.

For: Engineered Radiation Resistant Bioremediating Bacteria

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences the decision of the Examiner, dated February 24, 2006, finally rejecting claims 1 to 2, 6, 12, 25 to 28, and 42 to 53.

The Commissioner is hereby authorized to charge \$250.00 to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

Dated: August 24, 2006
Morgan, Lewis & Bockius LLP
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1111 Pennsylvania Avenue, N.W.
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08/29/2006 MAHMEDEI 00000080 500310 10089175
01 FC:1401 500.00 DA